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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

In re M.R., A Person Coming  
Under the Juvenile Court Law.

LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN  
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

R.V.,

Defendant and Appellant.

B290507

Los Angeles County  
Super. Ct. No. DK16695

APPEAL from orders of the Superior Court of Los Angeles County, Philip L. Soto, Judge. Affirmed.

Anne E. Fragasso, under appointment by the Court of Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, Kristine P. Miles, Assistant County Counsel, and Kim Nemoy, Principal Deputy County Counsel, for Plaintiff and Respondent.

Nominally this case is Mother versus the Department of Children and Family Services. Actually it is Mother versus Daughter. After seven years of chaos and abuse as a child of methamphetamine users, Daughter found a loving, safe, and stable foster home. The Department tried to reunify Mother and Daughter through meetings between the two. Daughter brought gifts for Mother to the scheduled meetings, but Mother did not call and did not show up, over and over. Daughter reacted to Mother's abandonment with grief, anxiety, and nightmares. Daughter now refuses to see Mother and prefers the stability of her foster placement. The juvenile court terminated family reunification services. Mother alone appeals this order. Substantial evidence supports the order. We affirm.

## I

Daughter was born in December 2007. She now is 11.

On April 21, 2016, police stopped Mother for driving a stolen van and arrested her for identity theft. Daughter and her younger brother (who is not involved in this appeal) were in the van. Mother had injected methamphetamine that day and was carrying more methamphetamine in syringes. Mother claimed to be living with her children in a sober living facility but did not know its name or address. She did not have contact information for Father. She said they had been in an unstable abusive relationship for many years and she left him in March. Arresting officers saw dirt on Daughter's face, feet, and hands.

The Department asserted jurisdiction. Both parents were using methamphetamine and had long records of drug and theft offenses. In front of Daughter, Father struck Mother with his fists and pulled her hair.

Father started drugs as a teen. He has used drugs for years. Mother would call Father when she needed money. "It was hard to get a hold of her. She kept changing her phone number. We would make plans to meet and she would flake on me." Mother "was not stable. The kids were not going to school." Father reported Mother was still using drugs. "I believe it was necessary for you guys [the Department] to get involved as she was putting the children at risk." Father has never married. He is not involved in this appeal.

Mother began using methamphetamine as a teenager. She also used heroin. Mother did "[n]ot usually" use drugs in front of her children. Father hit Mother only when he was under the influence. Mother said "I feel my family is sick." "I want the kids to stay in the foster home where they are at."

Daughter said she, her brother, and Mother lived and slept in a car and it "would be days with no shower." Daughter had gone to school but Mother took her out and Daughter never returned. Mother sometimes left Daughter with the paternal grandmother who sexually abused Daughter and would not stop. Daughter told her uncle and aunt but they did nothing. Daughter said "I feel safest here in this foster home." "I want to stay in this foster home and wait for my mom to get better."

Daughter's half-sibling (also not involved in this appeal) was 13 when the Department asserted jurisdiction. The half-sibling reported that she was the one who cooked for Daughter and took care of her. "We moved around a lot and didn't have a house." A few months before the Department became involved, the half-sibling was staying at Mother's friend's house and did not know where Mother was. "I tried to get a hold of her. I called

her a few times. She yelled at me and said I ran away and she had no way of picking me up . . . .”

The juvenile court heard the matter on June 7, 2016. Mother pleaded no contest. The court removed the children from both parents and ordered family reunification services.

Mother’s scheduled visits with Daughter went as follows:

- 6-26-16 - Mother was 1.5 hours late to the 2-hour scheduled visit
- 7-3-16 - no show and no call
- 7-10-16 - no show and no call
- 7-17-16 - no show and no call
- 7-24-16 - no show and no call
- 7-31-16 - no show and no call
- 8-7-16 - 2-hour visit went “okay”
- 8-14-16 - 2-hour visit went “okay”
- 8-21-16 - 2-hour visit went “okay”
- 9-4-16 - no show and no call
- 9-18-16 - no show and no call
- 9-26-16 - no show and no call
- 10-2-16 - no show and no call
- 10-9-16 - no show and no call
- 10-16-16 - 2-hour visit; Mother makes Daughter feel uncomfortable
- 10-23-16 - no show and no call
- 10-30-16 - no show and no call
- 11-6-16 - no show and no call.

Daughter brought Mother a gift to the scheduled meetings and was disappointed Mother did not appear. Daughter resolved not to see Mother.

In November 2016, Daughter said she was happy and safe in her foster home. She loved her school, had made friends, and did not want to be relocated.

On May 19, 2017, Mother was arrested and incarcerated. She was convicted of forgery and released to a residential drug program.

In June 2017, Daughter said she loved her foster parents and foster siblings and that their home is the only place she felt safe. She was in the third grade and had been “doing great” at school. Mother had had minimal contact with the Department. Mother did not call for any visits. Daughter was very much hurt by Mother’s conduct and became very nervous talking about her.

In October 2017, Daughter said she becomes anxious and has nightmares every time she thinks of visits with Mother. Mother and Daughter had not seen each other in a year, despite the social worker addressing the issue at every opportunity. Daughter said she felt the Department was pressuring her to see Mother. Daughter did not want to do that.

On November 1, 2017, the juvenile court found the Department was providing reasonable services and ordered it to provide further services to Mother to unify her with Daughter, including joint counseling between the two.

The Department agreed with joint counseling on the understanding “that we would not physically force any child to go on a visit that he or she does not want to go.”

The court made a finding that Daughter “is reacting to the abandonment that she feels by Mother and the family.”

At this same hearing, the juvenile court told Mother, “if I give a child back to you who is in the state of mind like [Daughter], I could very easily have a nine-year-old out on the

street going who knows where because she does not want to return to you. That's a real possibility I have to live with. I will not do that."

The court ordered joint counseling and ordered the Department to use best efforts to find a counselor "to try to repair this relationship."

The juvenile court addressed Mother directly: "[Y]ou will have to understand something: A lot of the problem is that [Daughter] feels abandoned. You promise to go meet with her. You don't show up. You don't call and say why. There are reports that she had visits set up and was ready to bring a gift to you on every visit and then you don't show. [¶] These are things that I can't tell you how negative [that] impact is. . . . [I]t's extremely detrimental to the psyche of these children for you to make promises and not keep them."

The court stated "we'll do the best that we can to repair the relationship between you and [Daughter] but I cannot order her to visits that she won't go to."

On May 2, 2018, the juvenile court held a further hearing. The court heard evidence that Daughter is bright and very mature for her age. She was finishing fourth grade, performing at grade level. She had received many awards during the school year. Daughter was doing well in her foster placement, with no issues there. She loves her foster parents and foster siblings. She however continued to have nightmares about facing her mother and she was "hurt from all of her family members not being there for her." Daughter felt loved and cared for at her foster home and wanted to continue to stay there.

Daughter's therapist said one goal was to decrease Daughter's anxiety symptoms of fear, worry, and sweaty palms,

and her depressive symptoms, such as sadness and withdrawal. Daughter told the therapist “I’m afraid if I go back to mom I’ll end up not going to school again.” Daughter recalled “I was always dirty and smelled.” “[M]y brother and I were left alone or with other people who did not feed us.” “My mother would leave saying I’m going to the store and would not return until late night.” “I’m angry at my mother for not taking care of us and now that I’m happy she just wants to jump into my life.”

Daughter continued to refuse to see Mother, no matter the setting. Daughter said she is scared to see her mother and will not forgive her for putting Daughter through “hell.” Daughter said she will run away if she is sent back to Mother. The Department encouraged Daughter to visit Mother, to no avail.

Daughter wrote a three-page letter to the court in anticipation of the May 2018 hearing. The letter is handwritten in block print. Uncorrected, Daughter’s letter reads in part: “Dear Judge, I wanted to tell you what I want but I don’t want to say in front of my mom because I’m scared of her. And I don’t want to see her. If I went back with my mom I would run away. Because my seven years of life were all on the streets and in hotels or in a car. I was always dirty . . . . I’m scared of my mom because she used to beat my sister and brother up. She pulled there hair slapt them. Made marks on them. She was very strong and she always smoked sigerets. I was always scared to sit on her bed because she had orange neatles. All over her bed and in her room. . . . [Mother] always had weird bug bites all over they look[ed] really weird. My mom was always emotional . . . .”

The juvenile court ordered Mother to appear for trial on May 31, 2018. Mother failed to appear. Mother’s counsel argued

the option of joint counseling between Mother and Daughter had not been “appropriately presented” to Daughter. Counsel argued against terminating Mother’s reunification “in that appropriate services were not provided.”

The juvenile court asked counsel what evidence there was to suggest Daughter would see Mother in light of the fact Daughter “has adamantly expressed she will not do so.” Mother’s counsel argued. Then Daughter’s counsel argued the Department’s reunification efforts had been reasonable. Daughter’s counsel said she knew “from experience with talking with [Daughter], this [prospect of joint counseling with Mother] is not something [Daughter is] ready for. [Daughter] is still extremely emotionally fragile when the topic of her mother is brought up. She is extremely anxious and can’t even really have a conversation about it. She hasn’t had any contact with her mother in a very long time. And I think the idea of reunifying her with her mother against her will would certainly cause extremely emotional distress. Her letter shows how she feels and the reports from the social worker and from the foster mother about her daily anxiety show how fragile she is. Her brother, [name redacted], is differently situated . . . . He was much younger during the time that they were living with the mother and didn’t experienced [*sic*] the extreme trauma that [Daughter] is still dealing with. For that reason, I’m joining with the Department.”

The Department noted Daughter was attending weekly therapy to address her issues with Mother, but that Daughter “has been having nightmares. She’s not eating well. . . . And returning this child, this ten-year-old, your Honor, to the Mother,



would be of great detriment to [Daughter's] physical and emotional well-being.”

The juvenile court found Daughter was not ready to return to Mother and “every time we start talking to her about that . . . [Daughter] becomes a, quote, unquote, hot mess and has a very strong emotional reaction to the idea of going back to mother. It’s just not safe for her mental and emotional well-being. Sometimes there’s just nothing you can do to try and change the situation except let time work its own magic. [¶] We’ve given the mother every minute of time possible. The child is not inclined to go through conjoint counseling to reconcile with the mother, all of the issues that caused removal. And unless and until we are able to do that, we are not in a position to return [Daughter]. . . . The social workers have done their best to try and convince [Daughter] to take an avenue where they might be able to get to conjoint counseling and thereby might be able to get her home. [Daughter] understands that that’s where that avenue is leading and does not want to go down that avenue. There’s nothing that we can do to force her. [¶] If her mental state is such that she understands that it will be harmful to her and she has breakdowns on account of that, we are just going to have to learn to live with that until the situation changes by itself. There’s nothing we can do to change it as much as we’ve tried to reunify.”

The court found that the Department’s services were reasonable and that the substantial risk to Daughter continued to exist. The court terminated reunification services as to Mother.

The court also ordered the Department to make arrangements for visits and/or joint counseling between Mother and Daughter “when [Daughter] is ready.” The Department

noted its objection to this last provision, “now that [family reunification] has been officially terminated. But the court responded, “Well, if [Daughter] wants to, we’ll go forward with that. If she doesn’t want to, then we won’t.”

## II

Mother appeals the court’s May 31, 2018 order. She notes our standard of review is whether substantial evidence supports the juvenile court’s finding that the Department offered reasonable reunification services to the parent. Mother argues for two pages that the Department’s efforts were not reasonable. Appellate counsel does what she can on behalf of Mother, but Mother has given her little with which to work. Counsel summarily submits that the juvenile court erred when it found the Department’s services were reasonable.

The evidence supporting the court’s finding is overwhelming. Mother identifies no specific steps the Department should have taken that it did not try, except to keep trying to persuade Daughter to change her mind.

Love that is reliable is a benefit to a growing child. So is stability. Continuing to litigate this case would destabilize the life of a child who never knew safety and stability until the Department matched her with a loving and stable foster home, which Daughter now prefers. For now, Mother’s repeated abandonments have burned the bridge to her daughter. As the trial court wisely observed, time may change the daughter’s perspective. But Mother identifies no law or fact that requires coercive and damaging orders against this child at this juncture.

**DISPOSITION**

We affirm.

WILEY, J.

WE CONCUR:

STRATTON, Acting P. J.

ADAMS, J.\*

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\* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.